

# GOVERNOR'S DRAFT RECYCLING LEGISLATION

## Section-by-Section Summary of Senate Bill No. 225

(Sections 1- 3 are amendments to Title 7, Chapter 60)

Section 1 (Lines 1 – 28): Amend §6002 by adding definitions for the following terms:

Collector	Recyclable material	Authority
Municipal Solid Waste	Single stream	Recycling
Organic yard waste	Source Separated	Local Governments
Processor	Transporter	

Section 2 (Lines 29 – 43): Amend §6025 by adding the following requirements concerning organic yard waste:

- Effective 01/01/07, all persons shall keep organic yard waste separate from other solid waste;
- Transporters shall not dispose of source separated organic yard waste by landfilling but shall deliver it to a processor;
- No later than 07/01/06, DNREC and DSWA shall adopt guidelines defining criteria for the proper design and operation of organic yard waste management facilities.

Section 3 (Lines 44 – 214): Add new sections as follows, to establish and fund a Local Government Recycling Grants Program, establish a Recycling Public Advisory Council, and specify minimum program contents for curbside recycling programs:

- § 6042. Local Government Recycling Grants Program. (Lines 44 – 64)
  - \* The grants shall be competitive and shall be used for start-up costs involving capital outlays for equipment and facilities directly related to curbside recycling, with an emphasis on single-stream curbside collection;
  - \* DNREC shall administer the program and shall be entitled to charge an administrative fee of 7.5% of the amount of grants awarded;
  - \* DNREC shall be entitled to adopt guidelines and procedures for administering the program.
- § 6043. Delaware Recycling Fund. (Lines 65 – 130)
  - \* Establish a Delaware Recycling Fund within DNREC to be used only for these purposes:
    - Funding the Local Governments Recycling Grants Program;
    - Funding public outreach and education programs promoting recycling;
    - Funding assessments of commercial waste and of potential improvements to the curbside recycling program; and
    - Paying DSWA's capital and operating costs to manage source-separated single-stream recyclables without imposing a tipping fee. If available funding is insufficient to pay these costs, DSWA shall be entitled to impose a tipping fee to cover such deficiency.
  - \* The source of funding shall be a \$3/ton assessment on solid waste generated and/or disposed of in the state, excluding recyclables actually recycled and hazardous waste.

- \* The assessment shall become effective three months from the date of enactment.
  - \* DNREC shall commence the grant program in 2006 and offer it at least annually thereafter until 12/31/12. DNREC, DSWA, and the Recycling Public Advisory Council shall re-evaluate the assessment and revise it to reflect resources needed in subsequent years.
- § 6044. Recycling Public Advisory Council. (Lines 131 – 172)  
RPAC's composition and responsibilities shall be essentially the same as provided in EO 82, with these exceptions:
    - \* There shall be no representative from the Delaware Economic Development Office, and there shall be three members representing community-based or public-interest groups;
    - \* RPAC shall advise DNREC and DSWA with regard to all Delaware Recycling Fund requests made by DSWA to achieve the goal of maintaining a zero tipping fee for receiving, transferring, processing, and marketing recyclables;
    - \* The due date of RPAC's annual report shall be March 1.
  - § 6045. Residential Curbside Recycling Programs. (Lines 173 – 214)  
Programs shall include the following minimum elements:
    - \* Persons participating in a program shall keep specified recyclable items separate from other solid waste;
    - \* Public and private collectors are not required to deliver recyclables to DSWA facilities; however, if they use non-DSWA facilities, they shall report annually on the quantity of recyclables collected, method of collection, and location of the recycling facilities used;
    - \* Every municipality, collector, or processor of recyclables shall report annually on the quantity of materials collected in the state.

(Sections 4 – 11 are amendments to Title 7, Chapter 64)

Section 4 (Lines 215 – 224): Amend § 6451 by adding definitions for the terms “single stream” and “organic yard waste.”

Section 5 (Lines 225 – 226): Amend § 6452(2) by requiring that DSWA include in the statewide solid waste management plan provisions for managing single-stream materials.

Section 6 (Lines 227 – 238): Amend § 6452 by requiring DSWA to incorporate the following elements into the statewide solid waste management plan:

- The implementation of a single-stream recycling system that balances the need for drop-off centers with expanded curbside collection of recyclables. Where a municipality implements mandatory curbside recycling, DSWA shall remove the drop-off sites in that jurisdiction; and
- The development of organic yard waste recycling facilities on DSWA- and publicly-controlled lands if the private sector does not provide such facilities capable of managing all of the yard waste generated.

Section 7 (Lines 239 – 276): Strike the existing § 6454 and replace it with a new § 6454 (“Recycling Centers”) requiring:

- DSWA to establish organic yard waste recycling centers, to the extent that they are needed to supplement private sector facilities, no later than 01/01/07; and
- DSWA to ensure that transfer and processing facilities (either private or public) capable of handling commingled recyclables are operational in all three counties of the state. No later than 01/01/07, DSWA and DNREC, in consultation with RPAC, shall make a determination as to whether the private sector is able to provide adequate facilities; if not, DSWA shall make provisions to provide these services.

Section 8 (Lines 277 – 287): Strike the existing § 6455 and replace it with a new § 6455 requiring DSWA, in cooperation with DNREC, to conduct public outreach and education intended to maximize the diversion of household recyclables and all organic yard waste.

*Note: Section 11 should be renumbered as Section 9. There should be no Section 10 or 11.*

Section 11 (Lines 288 – 356): Add new sections, as follows, addressing DSWA’s role in establishing residential curbside recycling programs, minimum recovery rates, and provisions for enforcement of this subchapter:

- § 6461. Residential Curbside Recycling Programs. (Lines 289 – 317)  
DSWA shall establish a statewide residential collection program for recyclables and shall implement a comprehensive and sustained public information and education program.
- § 6462. Minimum Recovery Rates. (Lines 318 – 341)
  - \* Recovery goals for residential waste shall be 20% by January 2008, 25% by January 2009, and 30% by January 2010.
  - \* The recovery goal for commercial waste shall be 50% by January 2010.
  - \* DSWA shall identify all municipal solid waste recycling efforts and shall report annually on recovery rates.
- § 6463. Enforcement. (Lines 342 – 356)
  - \* DSWA and DNREC shall enforce this Subchapter.
  - \* DSWA shall conduct inspections, review complaints concerning non-compliance, issue notices of violation (oral or written), request voluntary compliance, and refer repeat violators to DNREC for formal enforcement action.
  - \* DNREC shall follow up on referrals from DSWA and shall carry out enforcement action in accordance with Chapter 60.